**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(*Special Original Jurisdiction*)

FRIDAY, THE TWENTYEIGHTH DAY OF DECEMBER
TWO THOUSAND AND SEVEN

P R E S E N T

**THE HON'BLE SRI JUSTICE P.S. NARAYANA**

* * *

WRIT PETITION No.28127 of 2007

**Between:**

**M/s.Sree Venkateswara Agencies,**
**Indian Oil Dealers, Hindupur,**
**Ananthapur district … Petitioner**

**Versus**

**Govt.of AP**
**Civil Supplies Department,**
**Represented by its Commissioner,**
**Civil Supplies Bhavan, Hyderabad & Anr. … Respondents**

**Counsel for the Petitioners: Sri T P ACHARYA**

**Counsel for the Respondents: GOVT.PLEADER FOR CIVIL**

**SUPPLIES**

**THE HON'BLE SRI JUSTICE P.S. NARAYANA**

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WRIT PETITION No.28127 of 2007

O R D E R :

Heard Sri T. P. Acharya, the learned counsel representing the writ petitioner as well as the learned Govt.Pleader for Civil Supplies.

2. The writ petition is filed for a writ of mandamus, declaring the impugned order dated 26-12-2007 of the first respondent passed in CCS.Progs.No.E2/8864/2007 as arbitrary, illegal and consequently to direct the first respondent to call for the entire file from the second respondent and decide the appeal preferred by the petitioner within a specified time by taking the same on his file and to pass such other suitable orders as this Court may deems fit and proper in the circumstances of the case.

3. Several facts had been narrated in the affidavit filed in support of the writ petition. It is stated that an appeal had been preferred to the first respondent and the first respondent not only rejected the stay application but also disposed of the main appeal without hearing the matter on merits.

4. As can seen from the impugned order, it is observed as hereunder:

> "Prima facie there is a case against the appellant. Therefore, the request of the appellant to stay the operation of order dated 05-12-2008 of the Joint Collector, Ananthapur, is hereby rejected and remitted back the case to the Joint Collector, Ananthapur with a direction to dispose of the case within a period of four weeks from the date of receipt of the order, following due procedure laid down under the AP Petroleum Products (L& RS) Order, 1980 as the case was already posted by the Jt.Collector, Ananthapur to 28-12-2007"

5. In-as-much-as, the matter is pending before the Joint Collector, Ananthapur, Anathapur district. Without expressing any opinion relating to the other merits and demerits of the matter, let the Joint Collector, Ananthapur complete the enquiry and pass appropriate orders on merits and in accordance within law, within a period of four weeks, from the date of receipt of a copy of this order and till then the impugned order as well as the suspension order are hereby suspended.

6. The writ petition is disposed of at the stage of admission. No costs.

JUSTICE P . S . NARAYANA .

28/12/2007.

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NB:

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1) Operative Portion of the Order by wire at party's costs.

2) Furnish CC of the order tomorrow.

B/o. ISL